

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
SPECIAL CLOSED SESSION DOCKET  
FOR  
MONDAY, AUGUST 9, 2004, AT 2:00 P.M.  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**NOTE:** In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. Please see the Open Session Agenda to determine when such matters may be heard.

Due to the anticipated length of the regular City Council meeting for August 10, 2004, the Mayor is calling a Special Closed Session meeting for Monday, August 9, 2004, in the Committee Room on the 12<sup>th</sup> Floor of the City Administration Building, 202 C Street, San Diego, California. **The Special Closed Session will commence immediately following the conclusion of the regular open session meeting that day.**

Pursuant to the new temporary Council Rule on closed sessions, the public will have the opportunity to comment on these matters during the regular open session of the City Council on August 9, 2004. The open session agenda for that day will reflect the appropriate open session item for public comment. **The Closed Session called pursuant to this memorandum may continue into Tuesday, August 10, 2004.**

The agenda for the Special Closed Session is the following:

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-1   *Border Business Park v. City of San Diego*  
Appellate Case No. D039225; SDSC Case No. GIC 692794  
*Otay Acquisitions v. City of San Diego*  
SDSC Case No. GIC 753247  
*National Enterprises, Inc. v. City of San Diego*  
SDSC Case Nos. GIC 791407; GIC 805465**

ACA assigned: Leslie J. Girard

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego [City] regarding the Border Business Park in Otay Mesa. The Border Business Park case resulted in a jury verdict against the City which is now on appeal. The National Enterprises and Otay Acquisitions cases are currently awaiting trial in the Superior Court. In closed session, the City Attorney will report on the status of on-going settlement negotiations and request further direction regarding those negotiations.

**CS-2 *Paulson v. City of San Diego***  
**USDC Case No. 89cv00820-GT(POR)**

DCA assigned: James Chapin

This matter concerns the Mt. Soledad Cross. In closed session the City Attorney will brief the City Council on any recent developments in the litigation.